

05/15/01  
1044 U.S. PTO

5-17-01

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PTO/SB/05 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

55.US4.DIV

First Inventor

Schork, et al.

Title

Methods, Software and Apparatus for Identifying Genomic Regions Harboring a Gene Associated with a Detectable Trait

Express Mail Label No.

EL821903728US

jc868 U.S. PTO  
09/858289

05/15/01

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages  ]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [ Total Sheets  ]
5. Oath or Declaration [ Total Pages  ]
  - a. ☐ Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))
  - b. ☒ (for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No. 09 / 438,016

Prior application information

Examiner

Young J. Kim

Group Art Unit:

1631

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☒

Customer Number or Bar Code Label

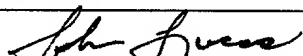
000027206

(insert Customer No. or Attach bar code label here)

or ☒

Correspondence address below

Name	John Lucas, Ph.D., J.D.				
Address	Genset Corporation				
	10665 Sorrento Valley Road				
City	San Diego	State	CA	Zip Code	92121-1609
Country		Telephone	(858) 597-2600	Fax	(858) 597-2601

Name (Print/Type)	John Lucas	Registration No. (Attorney/Agent)	43,373
Signature		Date	14 May 01

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 710.00

**Complete if Known**

Application Number	
Filing Date	May 14, 2001
First Named Inventor	Nicholas Schork, et al.
Examiner Name	Y. Kim
Group Art Unit	1631
Attorney Docket No.	55.US4.DIV

**METHOD OF PAYMENT**

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	50-1181
Deposit Account Name	GENSET CORPORATION

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	710
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$ 710.00

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
1	-20** = 0	X	0
1	-3** = 0	X	0
Multiple Dependent			0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

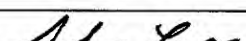
Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00

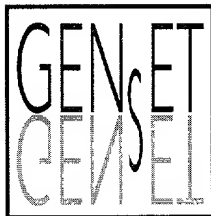
SUBMITTED BY Express Mail Label No. EL821903728US

Complete (if applicable)

Name (Print/Type)	John Lucas	Registration No. (Attorney/Agent)	43, 373	Telephone	858/597-2600
Signature		Date	14 May 01		

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G E N S E T

Direct Dial: (858) 597-2610  
E-Mail: john.lucas@genxy.com

May 14, 2001

**Express Mail Label No. EL821903728US**

Assistant Commissioner for Patents  
Box: Patent Application  
Washington, D.C. 20231

RE: U.S. Divisional Patent Application  
For: **METHODS, SOFTWARE AND APPARATI FOR IDENTIFYING GENOMIC REGIONS  
HARBORING A GENE ASSOCIATED WITH A DETECTABLE TRAIT**  
Inventors: **Nicholas Schork, Laurent Essioux, Annick Cohen-Akenine, Marta  
Blumenfeld**  
Our Ref.: 55.US4.DIV

Dear Sir:

Enclosed please find the above-identified divisional application for filing with the United States Patent and Trademark Office. The following documents are transmitted herewith:

	<u>Quantity</u>
1) Specification, Claims and Abstract	97 pages
2) Application Data Sheet	2 pages
3) Utility Patent Application Transmittal, Fee Transmittal for FY 2001	2 sheets
4) Drawings (Figures 1-25)	31 sheets
5) Preliminary Amendment	5 pages
6) Check in the amount of \$710.00 for the filing fee	
7) Two Copies of the Sequence Listing on CD-ROM	2 CD-ROMs
8) Sequence Submission Statement (and duplicate)	2 sheets
8) Return Receipt Postcard	

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment in the processing of these documents to our Deposit Account No. 50-1181.

Very truly yours,

GENSET CORPORATION

John Lucas, Ph.D., J.D.  
Reg. No. 43,373

JL/cmm  
Enclosures  
cc: Helene Sarraesca (w/encls.)

**Certificate of Mailing under 37 CFR 1.10**

Express Mail Label No.: EL21903728US Date of Deposit: May 14, 2001  
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the Date of Deposit shown above, postage prepaid and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Signature

O. H. McClure

Typed or Printed Name of Person Signing Certificate



PATENT / 55.US4.DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Divisional Patent Application of: )

Inventor(s) : **Nicholas Schork, Laurent Essioux, Annick** )  
**Cohen-Akenine, Marta Blumenfeld** )

Serial No. : )

Filed : **May 14, 2001** )

**Parent Application:** )

**Serial No. : 09/438,016** )

**Filing Date : November 10, 1999** )

Title : METHODS, SOFTWARE AND APPARATI FOR )  
IDENTIFYING GENOMIC REGIONS HARBORING )  
A GENE ASSOCIATED WITH A DETECTABLE )  
TRAIT )

) Art Unit : 1631

) Examiner : Y. Kim

**SEQUENCE SUBMISSION STATEMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

A copy of the Sequence Listing in computer readable form as required by 37 C.F.R. § 1.821(e) is submitted herewith.

As required by 37 C.F.R. § 1.821(f), the data on the enclosed disk is identical to the Sequence Listing in the application filed herewith.

Respectfully submitted,

Dated: 14 May 2001

By:

Aaron Scalia

**Aaron Scalia**  
Genset Corporation  
10665 Sorrento Valley Road  
San Diego, CA 92121  
(858) 597-2600

55 US3. Re  
PATENT  
GENSET.048AUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

jc868 U.S. PTO  
09/858289  
05/15/01

Applicant : Schork et al  
Appl. No. : To be assigned  
Filed : Herewith  
For : Methods, software and apparati for identifying genomic...

SEQUENCE SUBMISSION STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

A copy of the Sequence Listing in computer readable form as required by 37 C.F.R. § 1.821(e) is submitted herewith.

As required by 37 C.F.R. § 1.821(f), the data on the enclosed disk is identical to the Sequence Listing in the application filed herewith.

Respectfully submitted,

Dated: 11/9/99

By: Aaron Scalia

Aaron Scalia  
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(858) 551-3013